

(Del. Rev. 11/14) Pro Se General Complaint Form

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MOHAMED LY, individually
and on behalf of all others similarly situated,

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

AIRBNB, INC., a Delaware corporation;
BRIAN CHESKY, CEO of Airbnb, Inc.;
STEPHEN BRIGHENTI, an individual;
DOES 1-100,

*(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)*

24 - 921
Civ. Action No. 24 - 921
(To be assigned by Clerk's
Office)

**COMPLAINT
(Pro Se)**

Jury Demand?

☒ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff: MOHAMED LY
 Name (Last, First, MI)
485 GLENDALE ROAD
 Street Address
WILBRAHAM, MA 01095
 County, City State Zip Code
202-641-2322 MMMLY7@GMAIL.COM
 Telephone Number E-mail Address (if available)

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Airbnb, Inc.
 Name (Last, First) 888 Brannan Street
San Francisco, California 94103
 Street Address
 County, City State Zip Code
 Defendant 2: Brian Chesky
 Name (Last, First) 888 Brannan Street
San Francisco, California 94103
 Street Address
 County, City State Zip Code

(Del. Rev. 11/14) Pro Se General Complaint Form

Defendant(s) Continued

Defendant 3:

STEPHEN BRIGHENTI
 Name (Last, First) c/o AIRBNB, INC.
 88 BRANNAN ST
 SAN FRANCISCO, CA 94103
 Street Address

County, City State Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City State Zip Code

II. BASIS FOR JURISDICTION

Check the option that best describes the basis for jurisdiction in your case:

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

- Violation of the Federal Trade Commission Act

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- Violation of the Consumer Product Safety Act

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- Violation of the Interstate Land Sales Full Disclosure Act

- Violation of the Racketeer Influenced and Corrupt Organizations Act (RICO)

III. VENUE

This court can hear cases arising out of the Counties of New Castle, Kent, and Sussex in the State of Delaware.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

~~Who is an appropriate defendant in Delaware and has consented to general jurisdiction in this forum. Airbnb has purposefully availed itself of the privilege of conducting business in Delaware by registering as a Delaware corporation and deriving substantial revenue from Delaware residents. Furthermore:~~

- a. 28 U.S.C. § 1331, as this action arises under the laws of the United States;
- b. ~~28 U.S.C. § 1332(d)(2), as this is a class action in which the matter in controversy exceeds \$5,000,000, exclusive of interest and costs, and at least one member of the class is a citizen of a state different from any defendant;~~
- c. 28 U.S.C. § 1367, as this Court has supplemental jurisdiction over the state law claims.

IV. STATEMENT OF CLAIM

Place(s) of occurrence: 10 Sunny Ridge, Washington, Connecticut

Date(s) of occurrence: August 2, 2023 - November 2, 2023

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS: On or about August 2, 2023, Plaintiff Mohamed 'Mo' Ly by way of Accommodations MSP/Rental Agency, secured for long-term accommodations in Washington, Connecticut on the Airbnb platform for 3 months, with extension guarantees, avancing \$75,000 in prepayment. The listing, maintained b Stephen Brighenti, described a luxurious estate with "the highest standards of construction" including a heated pool, billiard room, and 16-car garage. Upon arrival, Plaintiff discovered numerous hazardous conditions, including extensive mold growth, structural instability, faulty electrical wiring, inadequate fire safety measures, and pest infestations.

What happened to you?

Despite immediately reporting these issues to both Airbnb and Brighenti, neither party took adequate steps to address the hazards or provide safe alternative accommodations. The family was forced to vacate after two months, incurring additional expenses. Defendants allegedly knew of these dangerous conditions based on previous guest complaints, maintenance reports, and local building code violations, but failed to take appropriate action, disclose the true condition of the property, or remove the listing from the Airbnb platform.

~~AIRBNB's superhost (Stephen Brighenti, and his contractors, Airbnb, customer service, Representatives, and employees/agents.~~

~~On or about August 2, 2023, Plaintiff Mohamed 'Mo' Ly by way of Accommodations MSP/Rental Agency, secured for long-term accommodations in Washington, Connecticut on the Airbnb platform for 3 months, with extension guarantees. Plaintiff selected a property located at 10 Sunny Ridge, Washington, CT based on its listing on the Airbnb platform. The listing, created and maintained by Stephen Brighenti, described the Property as a "Major estate with the highest standards of construction located within the Sunny Ridge historic district. Situated on 10 private, park-like acres with an over-sized heated pool, fabulous stonewalls, giant dining terraces, pond and orchard. 7+ bedrooms, Billiard room, screening room, paneled library, sunroom, new-country kitchen, 100-person party room boasts a restaurant size bar, sound system and commercial kitchen, maid's quarters, two guest rooms with en suite bathrooms, and 16-car garage. Tremendous Value! The Best Opportunity on the Market! Inquire for other/shorter rental terms". It was everything. But as described: subpar. Uninhabitable, it turned out. Plaintiff booked the Property for a three-month stay from August 2, 2023, to November 2, 2023, paying a total of \$75,000, including Airbnb's service fees.~~

Was anyone
else
involved?

~~Upon arrival at the Property on August 2, 2023, Plaintiff and his family discovered numerous hazardous conditions, including extensive mold growth, structural instability, faulty electrical wiring, inadequate fire safety measures, poor sanitation, pest infestations, malfunctioning plumbing, broken locks, presence of asbestos-containing materials, and lead-based paint peeling from walls and windowsills.~~

~~Plaintiff immediately reported these issues to both Airbnb and Stephen Brighenti upon discovery. However, neither party took adequate steps to address the hazards or provide safe alternative accommodations. The family was forced to vacate the Property after two months and incur additional expenses.~~

~~Defendants knew or should have known of the Property's dangerous conditions based on previous guest complaints, routine maintenance reports, local building code violations, and Airbnb's own data analytics. Despite this knowledge, Defendants failed to take appropriate action to address the hazards, disclose the true condition of the Property to potential renters, or remove the listing from the Airbnb platform~~

1. Plaintiff Mohamed Ly (thru 3rd-party): Booked a property through Airbnb for a three-month stay with Prepaid \$75,000 for the rental(thru third-party hired relocation assistance agency), including Airbnb's service fees.

- Discovered hazardous conditions upon arrival
- Immediately reported issues to Airbnb and the property owner

- - Was forced to remain in mold-infested property, vacating after two months

- Incurred additional expenses for alternative accommodations

2. Airbnb, Inc.:

- Listed and facilitated the rental of the hazardous property

- Collected service fees for the transaction

- Failed to adequately vet or inspect the property

- Did not take appropriate action when issues were reported

- Failed to provide safe alternative accommodations

- Fully knew of dangerous conditions from plaintiff's reports and previous complaints and data analytics

3. Stephen Brighenti (Property Owner):

- Created and maintained a misleading listing on Airbnb

- Described the property as safe and luxurious when it was not

- Failed to address reported hazards

- Did not provide safe alternative accommodations

- Fully knew of and concealed dangerous conditions from previous complaints and maintenance reports

4. Brian Chesky (CEO of Airbnb):

- As the leader of Airbnb, responsible for company policies and practices that allowed this situation to occur

- Allowed the perpetuation of these practices upon unsuspecting victims, at the same 10 Sunny Ridge, Washington, C property and countless others

- Oversaw the continuation of systematic and unscrupulous marketplace deceits and abuses, which continue to-date, per Airbnb's Modus Operandi.

Who did
what?

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

1. Physical Injuries: - Osgood-Schlatter disease, pain and swell in right knee. Back pain from fall due to multiple active floods and water-damaged flooring Acute exacerbation of Osgood-Schlatter disease, causing increased pain and swelling - Contusions from falls - Acute respiratory distress and infections from mold exposure - Neurological symptoms (headaches, dizziness, cognitive impairment) consistent with toxic exposure - Gastrointestinal illness from unsanitary conditions 2. Emotional/Psychological Injuries: - Severe emotional distress and anxiety - Diagnosed post-traumatic stress disorder (PTSD) 3. Financial Injuries: - Medical expenses exceeding \$50,000 - Lost revenues of over \$45,000 due to inability to work during recovery - Additional expenses for emergency accommodations after vacating the property - Non-refundable expenses for localized activities, logistics and travel arrangements 4. Lifestyle Disruptions: - Forced relocation after two months - Disruption of daily life and vacation plans - Potential long-term health effects from exposure to hazardous conditions - Stress and inconvenience of finding alternative accommodations - Time and effort spent dealing with Airbnb and property owner to resolve issues - Potential impact on work or school commitments due to the situation 5. Property Damage: We've had to dispose of contaminated personal belongings due to mold, pests, or other hazardous conditions

VI. RELIEF

The relief I want the court to order is:

- ☒ Money damages in the amount of: \$ \$6,000,000
- ☒ Other (explain):

- 1. Injunctive relief prohibiting Defendants from continuing their unlawful practices.
- 2. An order requiring Airbnb to implement and maintain a compliance program designed to ensure adherence to applicable safety laws and regulations.
- 3. Punitive damages for Defendants' knowing, willful, and intentional conduct.
- 4. Pre-judgment and post-judgment interest at the maximum rate permitted by applicable law.
- 5. An award of costs, expert fees, and attorneys' fees incurred in prosecuting these deceptive and abusive actions.

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VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

08/01/2024

Dated



Plaintiff's Signature

MOHAMED LY, ET. AL.

Printed Name (Last, First, MI)

485 GLENDALE RD, WILBRAHAM, MA 01095

Address

City

State

Zip Code

202-641-2322

Telephone Number

MMMLY7@GMAIL.COM

E-mail Address (if available)

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.